

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division

IN RE:

MARTIN CHRISTOPHER MAXEY
Debtor

Chapter 13
Case No. 23-60142-RBC

WILMINGTON SAVINGS FUND SOCIETY,
FSB, D/B/A CHRISTIANA TRUST AS
TRUSTEE FOR PNPMS TRUST II

Movant

v.

MARTIN CHRISTOPHER MAXEY
928 PENLAN ROAD
ARVONIA, VA 23004
(Debtor)

HERBERT L. BESKIN
123 EAST MAIN ST., STE. 310
CHARLOTTESVILLE, VA 22902
(Trustee)

Respondents

OBJECTION TO CONFIRMATION

Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Trustee for PNPMS Trust II by its undersigned attorneys, Orlans PC, hereby objects to the confirmation of the Chapter 13 plan filed by the Debtor Martin Christopher Maxey (“Debtor”), and as grounds therefore states as follows:

1. On or about November 18, 2005, Martin Christopher Maxey executed and delivered to Citifinancial, Inc. (MD) a promissory note (the “Note”) in the amount of SIXTEEN THOUSAND FIVE HUNDRED THIRTEEN DOLLARS AND EIGHTY-THREE

CENTS (\$16,513.83), plus interest at the fixed rate of 14.73% per annum, to be paid over fifteen (15) years.

2. Martin Christopher Maxey executed a Deed of Trust to Citifinancial, Inc. (MD) dated November 18, 2005. The Deed of Trust is a first mortgage on real property owned by the Debtor known and numbered as 928 Penlan Road, Arvonia, VA 23004.
3. The loan matured on January 2, 2021, pre-petition.
4. The Debtor's Chapter 13 Plan fails to correctly state the amount of the secured claim.
5. The Debtor's Chapter 13 Plan proposes an impermissible modification of the contractual interest rate.

WHEREFORE, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Trustee for PNPMS Trust II, by and through its attorneys prays that Confirmation be denied with leave to amend.

Date: March 27, 2023

Respectfully submitted,

/s/Daniel K. Eisenhauer
Daniel K. Eisenhauer, Bar #85242
Orlans PC
PO Box 2548
Leesburg, VA 20177
(703) 777-7101
Attorneys for Wilmington Savings Fund Society,
FSB, d/b/a Christiana Trust as Trustee for PNPMS
Trust II
deisenhauer@orlans.com

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NOTICE OF OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN
AND NOTICE OF HEARING

Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Trustee for PNPMS Trust II has filed an objection to your Chapter 13 plan in this bankruptcy case.

Confirmation of your Chapter 13 plan may be denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the Court to deny confirmation of your plan, then you and your attorney must:

ATTEND THE HEARING TO BE HELD:

at: remote hearing via Zoom. All parties connect using video conference instructions on the court website.

on: April 27, 2023 at 09:30 AM

to consider and act upon Objection to Confirmation filed by Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Trustee for PNPMS Trust II

If you or your attorney do not take these steps, the Court may decide that you do not oppose the objection to confirmation.

Date: March 27, 2023

Respectfully submitted,

/s/Daniel K. Eisenhauer

Daniel K. Eisenhauer, Bar #85242
Orlans PC
PO Box 2548
Leesburg, VA 20177
(703) 777-7101
Attorneys for Wilmington Savings Fund Society,
FSB, d/b/a Christiana Trust as Trustee for PNPMS
Trust II
deisenhauer@orlans.com

CERTIFICATE OF SERVICE

The undersigned states that on March 27, 2023, copies of the foregoing Objection to Confirmation were filed with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Herbert L. Beskin
123 East Main St., Ste. 310
Charlottesville, VA 22902
hbeskin@cvillech13.net
Bankruptcy Trustee

David E. Wright
Cox Law Group, PLLC
900 Lakeside Drive
Lynchburg, VA 24501
ecf@coxlawgroup.com
Debtor's Attorney

and I hereby certify that I have caused to be mailed by first class mail, postage prepaid, copies of the foregoing Objection to Confirmation to the following non-ECF participants:

Martin Christopher Maxey
928 Penlan Road
Arvonia, VA 23004
Debtor

/s/Daniel K. Eisenhauer
Daniel K. Eisenhauer, Esquire